

### REMARKS

Claims 33-60, 93-124, 134, and 135 are pending in the application. Claims 93-107 and 109-123 have been allowed. We agree that these claims should be allowable because, *inter alia*, the combination of U.S. Patent No. 5,645,904 to Takubo ("Takubo") and U.S. Patent No. 5,206,075 to Hodgson Jr. ("Hodgson") as applied in the other pending claims does not teach or suggest using the first resin and the second resin in at least one fin portion in the claimed ranges, as recited in independent claims 93 and 109. In fact, Hodgson does not appear to disclose a fin portion made of any resin.

#### Claim Objections

Claims 44, 60, 108, and 124 have been amended to obviate the objection in the Office Action. Claims 108 and 124 should be allowed because there are no pending rejections against these claims. Thus, claims 33-60, 134, and 135 will be discussed and reconsideration of these claims in view of the remarks below is respectfully requested.

#### Independent Claim 33

Independent claim 33, *inter alia*, (a) at least one of said fin portion made from a first resin which is prepared in the presence of a single site catalyst", and (b) "at least one of said fin portions comprising from about 5 to about 50 wt.% of said first resin, and from about 50 to about 95 wt.% of said second resin". None of the applied references teaches or suggests such features of independent claim 33.

Specifically, Takubo does not teach or suggest a bag having at least one fin portion comprising a first resin and a second resin in such amounts. Rather, Takubo teaches away from having the recited amounts of the first resin and the second resin because Takubo discloses, for example, a control example in which the fastener comprises 40 wt.% LLDPE (linear low density polyethylene) and 60 wt.% LDPE (low density polyethylene). See Table 1 of Takubo (labeled Comparative Example 1). Takubo describes Comparative Example 1 in Table 1 with a legend cross "x" that indicates a "presence of tear and/or abnormal appearance in the bag after boiling so that a preferable performance of open-and-close on the opening side of the bag become[s] worse." Col. 4, lines 9-13. "The presence of 'Tear' means, when opening the packaging bag, a state to be able to realize a break on the bag where the heat seal bar acted to the base sections 14,

17 so as to heat-weld the base sections 14, 17 and the inside layer of the bag body 22.” Takubo at col. 4, lines 14-18. “The ‘Abnormal appearance’ means a malfunction of the snap fastener 11 because of its thermal deformation, or a state that the packaging bag looks unattractive because of creases thereon which is caused by the heat contraction gap between those of the snap fastener 11 and the base film 23.” *Id.* at col. 4, lines 18-23.

Hodgson does not teach or suggest using the recited amounts of the first resin and the second resin in at least one fin portion, as recited in independent claim 33.

Furthermore, with respect to claim 33, neither Takubo nor Hodgson teaches or suggests “at least one of said fin portion made from a first resin which is prepared in the presence of a single site catalyst” with recited properties of polydispersity, melt index, and melt flow ratio. The statement in the Office Action that Hodgson is “prepared in the presence of a single site catalyst...in a polymer blend for use in bags and making heat seals in order to provide improved seal strength, tensile strength, film rigidity, haze and gloss, and abrasion resistance” does not teach or suggest the use of such a first resin as a fin portion, let alone in the recited composition. In fact, Hodgson does not appear to disclose a fin portion made of any resin.

Therefore, Takubo, Hodgson, or the combination thereof does not teach or suggest the features of independent claim 33. Thus, claim 33 is not obvious over Takubo, Hodgson, or the combination thereof and, therefore, should be in a condition for allowance.

#### Dependent Claims 34-44

Additionally references in combination with Takubo and Hodgson were applied against selected dependent claims -- U.S. Patent No. 5,131,121 to Herrington (“Herrington”) to claims 34 and 35; and U.S. Patent Nos. 4,896,775 to Boeckmann (“Boeckmann”) and 5,775,812 to St Phillips (“St. Phillips”) to claim 35. None of the applied references addresses the deficiencies of Takubo and Hodgson discussed above. Claims 34-44, which depend either directly or indirectly on independent claim 33 are not obvious over Takubo, Hodgson, Herrington, Boeckmann, St. Phillips, or any combination thereof. Thus, claims 34-44 should be in a condition for allowance for at least the same reasons.

#### Independent Claim 45

Independent claim 45, *inter alia*, (a) “at least one of said fin portion made from a first resin selected from the group consisting of an ultra low density polyethylene, a very low density

polyethylene, and a metallocene-catalyzed polyethylene”, and (b) “at least one of said fin portions comprising from about 5 to about 50 wt.% of said first resin, and from about 50 to about 95 wt.% of said second resin”. None of the applied references teaches or suggests such features of independent claim 45.

Specifically, Takubo not teach or suggest a bag having at least one fin portion comprising a first resin and a second resin in such amounts. As discussed above, Takubo teaches away from having the recited amounts of the first resin and the second resin because Takubo discloses, for example, a control example in which the fastener comprises 40 wt.% LLDPE (linear low density polyethylene) and 60 wt.% LDPE (low density polyethylene). See Table 1 of Takubo (labeled Comparative Example 1). Takubo describes Comparative Example 1 in Table 1 with a legend cross “x” that indicates a “presence of tear and/or abnormal appearance in the bag after boiling so that a preferable performance of open-and-close on the opening side of the bag become[s] worse.” Col. 4, lines 9-13.

Hodgson does not teach or suggest using the recited amounts of the first resin and the second resin in at least one fin portion, as recited in independent claim 45. In fact, Hodgson does not appear to disclose a fin portion made of any resin.

Therefore, Takubo, Hodgson, or the combination thereof does not teach or suggest the features of independent claim 45. Thus, claim 45 is not obvious over Takubo, Hodgson, or the combination thereof and, therefore, should be in a condition for allowance.

#### Dependent Claims 46-60

Additionally references in combination with Takubo and Hodgson have been applied against selected dependent claims -- Herrington to claims 46 and 47; and Boeckmann and St. Phillips to claim 47. None of the applied references addresses the deficiencies of Takubo and Hodgson discussed above. Claims 46-60, which depend either directly or indirectly on independent claim 45, should also be in a condition for allowance for at least the same reasons.

#### Independent Claim 134

Independent claim 134 recites, *inter alia*, “at least one of said fin portions is made from an ultra low density polyethylene” with recited properties of polydispersity, melt index, and melt flow ratio and a “second resin which is a low density polyethylene.” As discussed above with

respect to claim 45, neither Takubo nor Hodgson teaches or suggests such features. Hodgson does not appear to disclose a fin portion made of any resin.

Therefore, Takubo, Hodgson, or the combination thereof does not teach or suggest the features of independent claim 134. Thus, claim 134 is not obvious over Takubo, Hodgson, or the combination thereof, and therefore should be allowed. The Office Action further applied Herrington against claim 135. Claim 135, which depends directly on independent claim 134, is not obvious over Takubo, Hodgson, Herrington, or any combination thereof and should be in a condition for allowance for at least the same reasons.

**Conclusion**

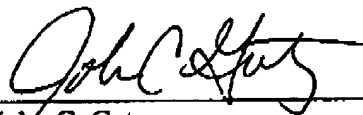
It is the Applicants' belief that all of the claims are now in condition for allowance, and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Assistant Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47097-00018USD1.

Respectfully submitted,

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